Attorney Docket No.: 26379U

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: NAKAI et al.

Application No.: 10/509,125   Art Unit: TBD

Filed: September 28, 2004   . Examiner: TBD

For: **CONTENT PROCESSING APPARATUS, CONTENT STORAGE MEDIUM, CONTENT PROCESSING METHOD, AND CONTENT PROCESSING PROGRAM**

SUPPLEMENTAL PETITION TO MAKE SPECIAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A Supplemental Petition is hereby requested for the above-identified application to Make Special and accelerate examination of this application. As per the requirements of MPEP 708.02, section VIII, Applicants provide each of the required items (A) - (E) as follows:

(A) Accompanied with this petition to make special is the required fee set forth in 37 C.F.R. 1.17(h);

(B) A Preliminary Amendment is submitted concurrently herewith which amends claims 47 - 86. Applicants submit that all of the claims in this application are directed to a single invention, but in the event that the U.S. Patent and Trademark Office takes the position that all the claims presented are not directed to a single invention, Applicants will make an election without traverse;

(C) Applicants submit that a pre-examination search was made. As the basis for the pre-examination search, Applicants rely on the Search Report of the PCT application. The PCT application No. is PCT/JP03/02291.

(D) Applicants submit that the following are the references deemed most closely related to the subject matter encompassed by the claims:

I. Japanese Patent Publication No. 2002-009966 A

II. Japanese Patent Publication No. H04-347949 A

III. Japanese Patent Publication No. H09-307543 A

These three references were cited on the International Search report and are being submitted on an Information Disclosure Statement concurrently herewith.

(E) Applicants provide the following detailed discussion of the above mentioned references which discusses why Applicants believe the claimed subject matter of the present application is patentable over the references:

<u>DETAILED DISCUSSION</u>

The present application includes claims 47 - 86, of which claims 47, 50, 54, 56, 59, 67, 70, 74, 76, and 79 are independent claims. These independent claims recite at least the following features that Applicants submit are not anticipated, suggested, or rendered obvious by the references listed in section (D) above:

Independent claim 47 recites:

"A content processing apparatus comprising: a first storage section that stores therein an identifier unique to the content processing apparatus and identification data; an encrypting section that encrypts content using the identifier and encrypts the identification data using the identifier; and an output section that stores the encrypted content

2

and the encrypted identification data in a content storage medium in

association with each other."

Independent claim 50 recites:

"A content processing apparatus comprising: a first storage section

that stores therein an identifier unique to the content processing

apparatus; an encrypting section that encrypts content using the

identifier; and an output section that stores the encrypted content in a

directory of a content storage medium, a name of the directory being

based on the identifier."

Independent claim 54 recites:

"A content processing apparatus comprising: a first storage section

that stores therein an identifier unique to the content processing

apparatus; an authentication section that determines whether access is

allowed to a first area of a content storage medium, the content

storage medium having the first area and a second area; an encrypting

section that encrypts content using the identifier; and an output

section that stores the identifier in the first area and stores the

encrypted content in the second area, in the content storage medium."

Independent claim 56 recites:

"A content processing apparatus comprising: a first storage section

that stores therein an identifier unique to the content processing

apparatus; a second storage section that stores therein information

which is different from the identifier and is used to determine whether

encrypted content to be stored in a content storage medium can be

decoded in the content processing apparatus; an encrypting section

that encrypts content using the identifier; and an output section that

stores the encrypted content and the information in the content

storage medium."

Independent claim 59 recites:

"A content processing apparatus comprising: a first storage section

that stores therein an identifier unique to the content processing

apparatus; a second storage section that stores therein directory name

of a content storage medium used to store encrypted content; an

encrypting section that encrypts content using the identifier; and an

output section that stores the encrypted content in a directory in the

content storage medium with the same directory name as the directory

name stored in the second storage section."

Independent claim 67 recites:

"A content processing apparatus comprising: an input section that

reads out encrypted content from a content storage medium, and

encrypted first identification data from the content storage medium; a

first storage section that stores therein second identification data and

an identifier unique to the content processing apparatus; a decoding

section that decodes the encrypted first identification data using the

4

identifier; and a comparing section that compares the decoded first

identification data with the second identification data stored in the

first storage section, wherein when the decoded first identification

data agrees with the second identification data, the decoding section

decodes the encrypted content using the identifier."

Independent claim 70 recites:

"A content processing apparatus comprising: an input section that

reads out encrypted content from a content storage medium and a

name of a directory from the content storage medium storing the

content; a first storage section that stores therein an identifier unique

to the content processing apparatus; a comparing section that

compares the name of the directory read from the content storage

medium with the identifier; and a decoding section that decodes the

encrypted content using the identifier when the name of tie directory

agrees with the identifier."

Independent claim 74 recites:

"A content processing apparatus comprising: an authentication

section that determines whether access is allowed to a first area of a

content storage medium, the content storage medium having the first

area and a second area; an input section that reads out a first identifier

from the first area in the content storage medium, and encrypted

content, associated with the first identifier, from the second area in

the content storage medium; a first storage section that stores therein a second identifier unique to the content processing apparatus; a comparing section that compares the first identifier with the second identifier; and a decoding section that decodes the encrypted content using the second identifier when the first identifier agrees with the second identifier."

Independent claim 76 recites:

"A content processing apparatus comprising: an input section that reads out encrypted content from a content storage medium, and first information to determine whether the encrypted content in the content storage medium can be decoded in the content processing apparatus; a first storage section that stores therein an identifier unique to the content processing apparatus; a second storage section that stores therein second information that is different from the identifier and used to determine whether the encrypted content can be decoded in the content processing apparatus; a comparing section that compares the first information with the second information; and a decoding section that decodes the encrypted content using the identifier when the first information agrees with the second information."

Independent claim 79 recites:

"A content processing apparatus comprising: an input section that reads out encrypted content and a name of a first directory from a

content storage medium in which the encrypted content is stored in

the first directory; a first storage section that stores therein an

identifier unique to the content processing apparatus; a second storage

section that stores therein a second directory name of the content

storage medium in which the encrypted content is stored; a comparing

section that compares a name of the first directory with the second

directory name; and a decoding section that decodes the encrypted

content using the identifier when the name of the first directory agrees

with the second directory name."

Applicants respectfully submit that at least the above features recited in independent claims

47, 50, 54, 56, 59, 67, 70, 74, 76, and 79 are not anticipated, suggested, or rendered obvious by the

references listed in section (D) above, for the following reasons:

1. Japanese Patent Publication No. 2002-009966A

This reference discloses a portable telephone set where a telephone number of a cellular

telephone is stored in an external storage medium together with content data.

It is further discloses reading out the telephone number that is stored in the external storage

medium together with the content data, determining whether the telephone number agrees with a

telephone number that the cellular telephone has, and reading out the content data when both

numbers agree with each other.

Based on the foregoing, Applicants submit that this reference does not disclose or suggest the

above-mentioned features regarding "the identification data" as recited in independent claims 47 and

67.

Based on the foregoing, Applicants submit that this reference does not disclose or suggest the above-mentioned features regarding "a name of the directory based on the identifier," "a name of the directory agrees with the identifier" as recited in independent claims 50 and 70.

Based on the foregoing, Applicants submit that this reference does not disclose or suggest any of the above-mentioned features regarding "an authentication section that determines whether access is allowed to a first area of a content storage medium, the content storage medium having the first area and a second area; and an output section that stores the identifier in the first area and stores the encrypted content in the second area," "an authentication section that determines whether access is allowed to a first area of a content storage medium, the content storage medium having the first area and a second area; a comparing section that compares the first identifier with the second identifier; and a decoding section that decodes the encrypted content using the second identifier when the first identifier agrees with the second identifier" as recited in independent claims 54 and 74.

Based on the foregoing, Applicants submit that this reference does not disclose or suggest any of the above-mentioned features regarding "a second storage section that stores therein information which is different from the identifier and is used to determine whether encrypted content to be stored in a content storage medium can be decoded in the content processing apparatus," "a second storage section that stores therein second information that is different from the identifier and used to determine whether the encrypted content can be decoded in the content processing apparatus" as recited in independent claims 56 and 76.

Based on the foregoing, Applicants submit that this reference does not disclose or suggest any of the above-mentioned features regarding "a second storage section that stores therein a directory name of a content storage medium used to store encrypted content," "a second storage section that

8

stores therein a second directory name of the content storage medium in which the encrypted content

is stored" as recited in independent claims 59 and 79.

II. Japanese patent publication No. H04-347949A

This reference discloses a cipher communicating method and cipher communications system

where content is encrypted using a common key that a first terminal has, and when a value of a

common key that a second terminal has agrees with a value of the common key that the first terminal

has, allowing the second terminal to decode the content encrypted in the first terminal.

Based on the foregoing, Applicants submit that this reference does not disclose or suggest the

above-mentioned features regarding "the identification data" as recited in independent claims 47 and

67.

Based on the foregoing, Applicants submit that this reference does not disclose or suggest the

above-mentioned features regarding "a name of a directory storing encrypted content is the same as

that of an identifier unique to the content processing apparatus" as recited in independent claims 50

and 70.

Based on the foregoing, Applicants submit that this reference does not disclose or suggest the

above-mentioned features regarding "a first storage section that stores therein an identifier unique to

the content processing apparatus; and an output section that stores the identifier in the first area and

stores the encrypted content in the second area, in the content storage medium," "an input section

that reads out a first identifier from the first area in the content storage medium, and encrypted

content, associated with the first identifier, from the second area in the content storage medium; and

a decoding section that decodes the encrypted content using the second identifier when the first identifier agrees with the second identifier" as recited in independent claims 54 and 74.

Based on the foregoing, Applicants submit that this reference does not disclose or suggest any of the above-mentioned features regarding "a second storage section that stores therein information which is different from the identifier and is used to determine whether encrypted content to be stored in a content storage medium can be decoded in the content processing apparatus," "a second storage section that stores therein second information that is different from the identifier and used to determine whether the encrypted content can be decoded in the content processing apparatus" as recited in independent claims 56 and 76.

Based on the foregoing, Applicants submit that this reference does not disclose or suggest any of the above-mentioned features regarding "a second storage section that stores therein a directory name of a content storage medium used to store encrypted content," "a second storage section that stores therein a second directory name of the content storage medium in which the encrypted content is stored" as recited in independent claims 59 and 79.

III. Japanese Patent Publication No. H09-307543A

This reference discloses a book data reproduction method and device where an encryption decryption key is read out on a unit information basis to decode content encrypted with the encryption decryption key varying with predetermined unit information.

Based on the foregoing, Applicants submit that this reference does not disclose or suggest the above-mentioned features regarding "the identification data" as recited in independent claims 47 and 67.

10

Based on the foregoing, Applicants submit that this reference does not disclose or suggest the above-mentioned features regarding "a name of a directory storing encrypted content is the same as that of an identifier unique to the content processing apparatus" as recited in independent claims 50 and 70.

Based on the foregoing, Applicants submit that this reference does not disclose or suggest any of the above-mentioned features regarding "a first storage section that stores therein an identifier unique to the content processing apparatus," "a first storage section that stores therein a second identifier unique to the content processing apparatus" as recited in independent claims 54 and 74.

Based on the foregoing, Applicants submit that this reference does not disclose or suggest any of the above-mentioned features regarding "a second storage section that stores therein information which is different from the identifier and is used to determine whether encrypted content to be stored in a content storage medium can be decoded in the content processing apparatus," "a second storage section that stores therein second information that is different from the identifier and used to determine whether the encrypted content can be decoded in the content processing apparatus" as recited in independent claims 56 and 76.

Based on the foregoing, Applicants submit that this reference does not disclose or suggest any of the above-mentioned features regarding "the identifier and the information to determine whether encrypted content can properly be decoded in the content processing apparatus" as recited in independent claims 56 and 76.

Based on the foregoing, Applicants submit that this reference does not disclose or suggest any of the above-mentioned features regarding "a second storage section that stores therein a directory name of a content storage medium used to store encrypted content," "a second storage section that

11

stores therein a second directory name of the content storage medium in which the encrypted content

is stored" as recited in independent claims 59 and 79.

Conclusion

Because of the above-mentioned distinctions, Applicants believe that independent claims 47,

50, 54, 56, 59, 67, 70, 74, 76, and 79 and all claims that depend therefrom, are not anticipated by the

above-mentioned references. Further, Applicants believe that the distinctions are such that a person

having ordinary skill in the art at the time of the invention would not have been motivated to modify

or combine any of the above-mentioned references in such a manner so as to result in, or otherwise

render obvious, the present invention as recited in claims 47-86.

Therefore, Applicants submit that claims 47-86 are allowable over the above-mentioned prior

art references.

In view of the forgoing, since Applicants have provided each of the necessary items (A) - (E)

identified above, Applicants respectfully request that this Petition to Make Special be granted and the

examination of this application be accelerated.

The Special Programs Examiner is invited to contact the undersigned by telephone if there

are any issues remaining which must be resolved before the granting of this Petition to Make Special.

Moreover, for at least the reasons found in item (E) above, it is submitted that the present

application is clearly allowable over the prior art of record.

In the event, however, that the Examiner has any comments or suggestions of a nature

necessary to place this case in condition for allowance, then the Examiner is kindly requested to

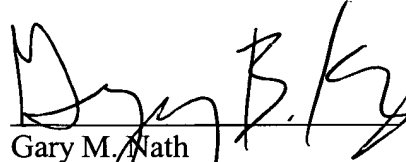contact Applicants' undersigned attorney by telephone to promptly resolve any such matters.

Please charge any fee deficiency, or credit any overpayment, in connection with this matter to

Deposit Account No. 14-0112.

Respectfully submitted,
NATH & ASSOCIATES PLLC

March 18 , 2005

Gary M. Nath
NATH & ASSOCIATES PLLC   Reg. No. 26,965
1030 15th Street, N.W.   Gregory B. Kang
6th Floor   Reg. No. 45,273
Washington, D.C. 20005   Teresa M. Arroyo
Tel: (202) 775-8383   Reg. No. 50,015
Fax: (202) 775-8396   Customer No. 20529